

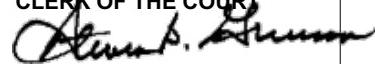
EXHIBIT A

Complaint filed
February 15, 2024

EXHIBIT A

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CASE NO: A-24-887250-C
Department 13

DISTRICT COURT
CLARK COUNTY, NEVADA

MELISSA HUTCHISON aka PHOENIX
10 MARIE, an individual,

Case No.:
Dept. No.:

11 Plaintiff,

COMPLAINT FOR:

12 v.
13
14 ETHICAL CAPITAL PARTNERS, a foreign
15 entity; AYLO PREMIUM LTD., a foreign
16 corporation; DM PRODUCTIONS, a foreign
17 entity; DIGITAL PLAYGROUND, a foreign
18 entity; MIND GEEK USA
19 INCORPORATED, a foreign entity; MG
20 PREMIUM LTD, a foreign entity; DM
21 PRODUCTIONS, a foreign entity; DIGITAL
22 PLAYGROUND, a foreign entity; DANNY
23 MARTIN aka DANNY D, an individual;
24 FRANK PETOSA an individual; RYAN
25 HOGAN, an individual; MICHAEL
WOODSIDE, an individual; and DOES 1
through 50.

- 26 Defendants.
- 1) BREACH OF CONTRACT;
 - 2) BREACH OF THE DUTY OF
GOOD FAITH AND FAIR
DEALING
 - 3) SEXUAL BATTERY
 - 4) BATTERY
 - 5) INTENTIONAL
INTERFERENCE WITH
CONTRACTUAL RELATIONS;
 - 6) INTENTIONAL
INTERFERENCE WITH
PROSPECTIVE ECONOMIC
ADVANTAGE;
 - 7) INTENTIONAL INFILCTION
OF EMOTIONAL DISTRESS
 - 8) DEFAMATION PER SE
and
 - 9) CIVIL CONSPIRACY

27 COMES NOW, Plaintiff by and through her attorneys, KERR SIMPSON ATTORNEYS
28 AT LAW, complains and alleges against Defendants as follows:
///

PARTIES

1. Plaintiff Melissa Hutchison aka Phoenix Marie ("Plaintiff" or "Hutchison") is an individual and resident of Clark County, Nevada.
 2. Defendant Ethical Capital Partners is a foreign corporation doing business in Clark County, Nevada.
 3. Defendant Aylo Premium Ltd. ("Aylo") is a foreign corporation doing business in Clark County, Nevada.
 4. Defendant MindGeek USA Incorporated ("MindGeek") is a corporation organized and existing in the state of Delaware and doing business in Clark County, Nevada.
 5. Defendant MG Premium LTD dba Brazzers ("Brazzers") is a business entity of unknown origin and doing business in Clark County, Nevada.
 6. Defendant DM Productions is a business entity of unknown origin and doing business in Clark County, Nevada.
 7. Defendant Digital Playground is a business entity of unknown origin and doing business in Clark County, Nevada.
 8. Defendant Frank Petosa is an individual and resident of Quebec, Canada.
 9. Defendant Ryan Hogan is an individual and resident of Quebec, Canada.
 10. Defendant Michael Woodside is an individual and resident of Quebec, Canada.
 11. Defendant Danny Martin ("Danny D") is an individual and resident of London, England.
 12. The true names and capacities, whether individual, corporate, associate, or otherwise, of the Defendants named herein as Does 1 through 50, inclusive, are unknown to Plaintiff at this time and therefore said Defendants are sued by such fictitious names. Plaintiff will seek leave to amend this Complaint to insert the true names and capacities of said Defendants when the same become known to Plaintiff. Plaintiff is informed and believes,

1 and based thereupon alleges, that each of the fictitiously named Defendants is responsible
 2 for the wrongful acts alleged herein, and is therefore liable to the Plaintiff as alleged
 3 hereinafter.

4 **ALTER EGO, AGENCY AND JOINT EMPLOYER**

5 13. Upon information and belief, the business affairs of Defendants ETHICAL CAPITAL
 6 PARTNERS, AYLO PREMIUM LTD, DM PRODUCTIONS, DIGITAL
 7 PLAYGROUND, MIND GEEK USA INCORPORATED, MG PREMIUM LTD, DM
 8 PRODUCTIONS, and DIGITAL PLAYGROUND and Does 1 through 50 are, and at all
 9 time relevant hereto were, so mixed and intermingled that the same cannot be reasonably
 10 be segregated, and the same are in inextricable confusion. ETHICAL CAPITAL
 11 PARTNERS, AYLO PREMIUM LTD, DM PRODUCTIONS, DIGITAL
 12 PLAYGROUND, MIND GEEK USA INCORPORATED, MG PREMIUM LTD, DM
 13 PRODUCTIONS, and DIGITAL PLAYGROUND and Does 1 through 50 were at all times
 14 relevant hereto was, used by each other, as a mere shell and conduit for the conduct of
 15 certain of Defendants' affairs, and is, and was, the alter ego of each other. The recognition
 16 of the separate existence of ETHICAL CAPITAL PARTNERS, AYLO PREMIUM LTD,
 17 DM PRODUCTIONS, DIGITAL PLAYGROUND, MIND GEEK USA
 18 INCORPORATED, MG PREMIUM LTD, DM PRODUCTIONS, and DIGITAL
 19 PLAYGROUND and Does 1 through 50 would not promote justice, in that it would permit
 20 Defendants to insulate themselves from liability to the Plaintiff. The corporate existence of
 21 ETHICAL CAPITAL PARTNERS, AYLO PREMIUM LTD, DM PRODUCTIONS,
 22 DIGITAL PLAYGROUND, MIND GEEK USA INCORPORATED, MG PREMIUM
 23 LTD, DM PRODUCTIONS, and DIGITAL PLAYGROUND and Does 1 through 50
 24 should be disregarded in equity and for the ends of justice because such disregard is
 25
 26
 27
 28

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1 necessary to avoid fraud and injustice to Plaintiff.

2 14. Accordingly, ETHICAL CAPITAL PARTNERS, AYLO PREMIUM LTD, DM
3 PRODUCTIONS, DIGITAL PLAYGROUND, MIND GEEK USA INCORPORATED,
4 MG PREMIUM LTD, DM PRODUCTIONS, and DIGITAL PLAYGROUND and Does 1
5 through 50 constitute the alter egos of each other, and the fiction of their separate existence
6 must be disregarded.
7

8 15. ETHICAL CAPITAL PARTNERS, AYLO PREMIUM LTD, DM PRODUCTIONS,
9 DIGITAL PLAYGROUND, MIND GEEK USA INCORPORATED, MG PREMIUM
10 LTD, DM PRODUCTIONS, and DIGITAL PLAYGROUND and Does 1 through 50,
11 together with various others, supervised Plaintiffs work and exercised control over Plaintiff
12 and her work and, thus, also completely dominated and controlled Plaintiff's performance
13 of her employment duties.
14

15 16. As a result of the aforementioned facts, Plaintiff is informed and believes, thus based
16 thereon alleges that ETHICAL CAPITAL PARTNERS, AYLO PREMIUM LTD, DM
17 PRODUCTIONS, DIGITAL PLAYGROUND, MIND GEEK USA INCORPORATED,
18 MG PREMIUM LTD, DM PRODUCTIONS, and DIGITAL PLAYGROUND and Does 1
19 through 50 are the Plaintiff's joint employers by virtue of a joint enterprise, and that the
20 Plaintiff was an employee of ETHICAL CAPITAL PARTNERS, AYLO PREMIUM LTD,
21 DM PRODUCTIONS, DIGITAL PLAYGROUND, MIND GEEK USA
22 INCORPORATED, MG PREMIUM LTD, DM PRODUCTIONS, and DIGITAL
23 PLAYGROUND and Does 1 through 50.
24

25 17. Plaintiff performed services for ETHICAL CAPITAL PARTNERS, AYLO PREMIUM
26 LTD, DM PRODUCTIONS, DIGITAL PLAYGROUND, MIND GEEK USA
27 INCORPORATED, MG PREMIUM LTD, DM PRODUCTIONS, and DIGITAL
28

1 PLAYGROUND and Does 1 through 50, and to the mutual benefit of ETHICAL
 2 CAPITAL PARTNERS, AYLO PREMIUM LTD, DM PRODUCTIONS, DIGITAL
 3 PLAYGROUND, MIND GEEK USA INCORPORATED, MG PREMIUM LTD, DM
 4 PRODUCTIONS, and DIGITAL PLAYGROUND and Does 1 through 50, and ETHICAL
 5 CAPITAL PARTNERS, AYLO PREMIUM LTD., DM PRODUCTIONS, DIGITAL
 6 PLAYGROUND, MIND GEEK USA INCORPORATED, MG PREMIUM LTD, DM
 7 PRODUCTIONS, and DIGITAL PLAYGROUND and Does 1 through 50 shared control
 8 of Plaintiff as an employee, either directly or indirectly, and the manner in which their
 9 business was and is conducted.

10

11 **JURISDICTION AND VENUE**

- 12 18. Jurisdiction is proper as the parties have sufficient contacts with the State of Nevada as
 13 they sell millions of dollars' worth of pornographic materials in the State of Nevada and
 14 attend and promote large conventions in the State of Nevada.
 15
- 16 19. Venue is proper in Clark County, Nevada as most of the contacts occur in Clark County,
 17 Nevada.

18

19 **FACTUAL BACKGROUND**

- 20 20. Hutchison has been an adult performer for about 18 years.
 21 21. Under the screen name of Phoenix Marie, Hutchison has entered into numerous written
 22 agreements to work with the Defendants' companies, subsidiaries, and predecessors to
 23 perform in adult films and attend adult-themed events and expositions.
 24 22. Aylo (formerly Manwin, Mansef, and Mindgeek) is an adult entertainment conglomerate
 25 owned by Canadian private equity firm, Ethical Capital Partners.
 26 23. Aylo is primarily involved in internet pornography, operating a number of video sharing
 27 websites (including platforms such as Pornhub, RedTube, YouPorn, Trans Angels, and
 28

XVideos), and pornographic film studios such as Brazzers, Digital Playground, Men.com, Reality Kings, Bang Bros, Sean Cody, and WhyNotBi.com, among others.

24. Aylo's headquarters are located in Montreal, Quebec, Canada, but the company's corporate structure is divided among entities domiciled in a number of other countries (including tax havens such as Curaçao and Luxembourg).

25. The company is one of the largest distributors of online pornography, to the extent that it has a monopoly position.

26. For 18 years, Hutchison has been one of the most prolific and popular stars in the industry, and her performances have made Defendant companies over tens of millions of dollars.

27. Throughout the years, Hutchison witnessed multiple questionable events and activities, but has always been an outspoken advocate in protecting the companies she was working for.

The Barcelona Shoot

28. In October of 2023, Hutchison traveled to Barcelona to shoot scenes for Danny D. and Digital Playground to perform with Danny D., Cherie DeVille and others.

29. The main actors were staying in the same residence along with some of the other staff needed for the shoots.

30. One of these other actors staying in the residence was a young female with the screen name Zaawaadi.

31. Danny D. was at the Barcelona shoot with his partner, Liss, who is also the makeup artist, the production manager, and the talent liaison.

32. During the Barcelona shoot, Zaawaadi had to perform an anal sex scene.

33. Hutchison is also a medical professional and has worked in the medical field of sexual wellness for 10.5 years.

34. She is very concerned and passionate about female sexual health.

- 1 35. As a veteran of the adult film industry, she tries to educate and assist the younger actresses
 2 about sexual health issues whenever she can.
- 3 36. She spoke with Zaawaadi prior to her anal scene, and she gave Zaawaadi 2 probiotic pills
 4 and 2 laxative pills called Senokot due to her ingestion of 3 Imodium pills. She told
 5 Zaawaadi that taking the Imodium could be harmful.
- 6 37. These over-the-counter remedies were to be taken immediately after the scene to prevent
 7 issues associated with anal sex scenes like tearing, yeast infections, and bowel obstructions.
- 8 38. During down time at the residence, Hutchison spoke with Liss, the makeup artist, the
 9 production manager, and the talent liaison, and also Danny D.'s partner.
- 10 39. Liss was dealing with depression as her relationship with Danny D. was sometimes difficult
 11 for her to deal with because he was having sexual intercourse with numerous other partners
 12 as an adult actor and "casually" with no formal commitment to her.
- 13 40. Liss was taking lithium because of this depression. Liss made known to Hutchison that
 14 she has lithium that she had purchased to self-medicate for her depression related to Danny
 15 D.
- 16 41. On the final day of shooting, Hutchison was performing in an orgy scene by the pool with
 17 Danny D. and the remaining <how many?> female actresses.
- 18 42. In the middle of the scene, Liss came out of the house screaming "Emergency, Emergency!
 19 She can't breathe."
- 20 43. Hutchison, with her background as an Emergency Medical Technician, immediately left
 21 the scene mid-shoot and ran into the house.
- 22 44. Zaawaadi was in the house laying on the couch, fully clothed having a medical emergency.
 23 She was shaking violently and screaming that she couldn't breathe. Hutchison grabbed
 24 Zaawaadi's face and pulled it right next to hers and told her that if she could speak, she
- 25
- 26
- 27
- 28

1 was breathing. She told her to take a long breath out.

2 45. Hutchison yelled for someone to call an ambulance, and she then started emergency care.

3 Hutchison tried to keep Zaawaadi calm and regulate her breathing while she evaluated her,
4 called Zaawaadi's sister for her medical history, and got her some fluids once her sister
5 was on the phone.

6 46. Hutchison asked the girl if she had taken any drugs or medicines lately, and she said, "only

7 the 4 pills you gave me." Hutchison knew that the pills that she had given Zaawaadi would
8 not have caused this reaction. The girl continued to shake and have difficulty breathing as
9 a person would during a seizure or neurological episode.

10 47. Hutchinson cared for Zaawaadi and her sister for over an hour, as Danny D. was reluctant

11 to call for the ambulance in that time period, then she was finally taken to the hospital.

12 48. After this disturbing medical emergency, Zaawaadi wanted Hutchison to go to the hospital

13 with her in the ambulance, however, Danny D. demanded to finish the scene immediately.

14 49. Hutchison was very upset and declined to continue the scene as Zaawaadi had a serious

15 life-threatening medical event, and no one had any way of knowing if the girl was going to
16 live or die.

17 50. Hutchison was severely shaken that this had happened and pleaded with Danny D. to shoot

18 the scene at another time.

19 51. Danny D. insisted that they finish the scene, so Hutchison continued filming the orgy scene

20 against her will.

21 52. After the scene was over, Hutchison was very distraught at how the situation with Zaawaadi

22 had been managed and how she was forced to continue by Danny D.

23 53. Hutchison wanted to go to the hospital to check on Zaawaadi, but Danny D. told her that

24 she could not go, and he would go without her.

54. Early the next morning, Danny D. lied to Hutchison that the police had come to the home late at night and forced Danny D. to go the hospital. He forcefully grabbed Hutchison, pulling her into her room and told Hutchison that Zaawaadi had overdosed on lithium, and she was in a medically induced coma and shared a video of Zaawaadi thrashing around and convulsing on the hospital bed.

55. Danny D. interrogated Hutchison about lithium, even though Hutchison knew it was Liss who had the lithium in the house. Danny D. forced Hutchison to pull out her probiotics and laxatives as he took pictures of the bottles and pills. He asked her if there were any other medications she was taking and whether there was anything else that he needed to know about.

56. This interrogation of Hutchison was clearly an act to protect Liss as he was aware that it was his partner, Liss, that had the lithium. With Zaawaadi in a critical medical state, Danny D. was protecting Liss from an investigation for Zaawaadi's death by lithium poisoning. Danny D. knew that Hutchison was the perfect scapegoat for the poisoning, so he concocted a story about the poisoning. Zaawaadi falsely stated during the medical event that she had only taken the pills that she had given her. Danny D. knew that Hutchison had been through a horrible event a few years earlier as her 18-year-old daughter died of cancer. Danny D. could tell everyone that it must have been Hutchison that had the lithium because of her depression from the death of her daughter. Ironically, Hutchison had helped Danny D. treat his own depression and suicidal ideations, which he has talked about publicly.

The Adult Convention in Berlin

57. The next day with Zaawaadi in the hospital in a coma, everyone at the Barcelona shoot flew to Berlin to attend an adult convention where many performers and executives would be present. The others from the shoot abandoned Hutchison at the airport.

58. At the airport, Hutchison saw a friend of hers, Johnny Sins, who was going to Berlin as well. Sins asked if she wanted to go shopping for the awards to get her mind off what had happened in Barcelona. They went shopping and came back to the hotel later that evening which was later than most of the convention attendees and executives arrived.

59. When she got back to the hotel, it was clear that false accusations were already spreading about Hutchison at the hotel only hours after this terrible event.

60. As she walked into the hotel, Hutchison was approached by Micheal Woodside who asked her where she had been as the executives were trying to get ahold of her. Hutchison asked Woodside if everything was okay as she was worried something had happened to Zaawaadi.

61. Hutchison looked up and an adult actor, Adam Diksa, motioned her up to the second floor of the hotel, and he said that the executives were waiting for her.

62. On the second floor of the hotel, AYLO executives, including Frank Petosa and Ryan Hogan were waiting for Hutchison. They were in Berlin for the convention as well.

63. When Hutchison sat down, she thought the executives would want to hear about what had happened in Barcelona, but instead, Frank Petosa told her awful, hurtful things like, “we feel like you haven’t properly coped with the death of your daughter” and that the man she was dating was a “piece of shit” and she should leave him. The executives said that they had seen this depressive behavior months earlier in Montreal and stated that she was using drugs and drinking and had slurred speech.

64. They falsely blamed Hutchison for the poisoning and told her to go home.

65. Hutchison was completely shocked and devastated as she had done her best to save Zaawaadi's life. While everyone else sat around and watched and didn't even call for emergency help when asked; now she was being blamed for what had happened.

1 66. Hutchison couldn't eat and couldn't sleep after the executives confronted her and told her
 2 to leave Berlin, and it was clear that she was going to be the scapegoat for this girl's
 3 potential death. Even though Danny D's partner Liss was the only person on set with the
 4 lithium, Zaawaadi being admitted to the hospital with lithium poisoning. Hutchison
 5 suggested to Ryan and Frank that bloodwork should be performed on everyone who was
 6 in Barcelona to find the person who was doing the lithium, but she was told that it was not
 7 necessary, and she was going home.

9 The Aftermath - The Defamation of Hutchison Throughout the Industry

10 67. After Hutchison left Berlin, the Defendants and others spread falsities about Hutchison all
 over the industry to protect themselves.
 11
 12 68. On October 30, 2023, Hutchison was having a meeting with another very well-known adult
 actress and Brazzers contract girl, Angela White, and she told Hutchison that she had heard
 in Berlin that "Spain was a shit show, but thankfully the person responsible is not here",
 implying Hutchison, as she was forced to leave Berlin.
 13
 14 69. A friend of Hutchison's, Neill Garfield, told Hutchison that a mutual partner told him to
 "distance himself from working with Phoenix Marie in the future as there's something
 shady going on around her."
 15
 16 70. On November 28, 2023, two adult actresses, Abella Danger and Luna Star, both unfollowed
 Hutchison on social media at the same time under circumstances that indicate they were
 told lies about Hutchison.
 17
 18 71. In January of 2024, Hutchison attempted to attend the XBIZ show in Los Angeles.
 Hutchison talked to a male adult film actor, Ricky Johnson. Johnson told her that "I just
 heard from Frank. I know there's some drama around it. I know it wasn't anything good

1 because we all know the rumors going around.” Johnson said that he was happy that he
 2 kept his own business as he didn’t want to be associated with the Defendants after this had
 3 happened to Hutchison. Johnson witnessed Hutchison break down in the middle of the
 4 show and cry for over an hour, and she couldn’t finish her autograph signing.

5 72. Another male adult film actor, one of the biggest stars in the industry, Manuel Ferrara, told
 6 Hutchison “that he heard things were going on” and hoped that she was okay.

7 73. In a text conversation with Melissa Hogan, Ryan Hogan’s wife, it was clear that Ryan
 8 Hogan had told his wife about the accusation. She states in the text exchange that she’s
 9 “so worried” that her husband is “very conflicted”; “It’s all very messed up, he’s aware
 10 and feels so uncomfortable”; “I know that Frank and Ryan are coming from a good place,
 11 not a bad one. I know it’s hard to realize when there are so many layers to this.”; “Ugh I’m
 12 sorry 😞 it’s all demented.”; “He did tell me a break would be good.”

13 74. Angela White untagged Hutchison from all of the podcasts they had done together to the
 14 detriment of Hutchison’s social media status.

15 75. Large, high traffic websites that Aylo controls, like Brazzers and Pornhub, which
 16 Hutchison was forced to join by Aylo and carry Hutchison’s adult videos have changed
 17 their algorithms and brand ambassadorships to not promote Hutchison’s videos costing
 18 Hutchison severe financial detriment.

19 76. Aylo was never interested in the truth as they could have proven who had the lithium by
 20 drug testing the people who were on set, but they didn’t want to. Danny D. is very
 21 important to AYLO as he is one of its two European producer/directors, and Aylo
 22 protected him to Hutchison’s detriment.

23 77. Fortunately, Zaawaadi recovered after being in the medically induced coma for 5 days.
 24 She is now healthy and performing again for Aylo and other companies which Hutchison

found out later as she had been deleted from the Digital Playground thread.

78. Unfortunately, Hutchison's career did not recover after saving Zaawaadi's life.

79. Hutchison's career and brand has been ruined, and she has been defamed by the same executives that she always thought were like her family and friends and close colleagues.

80. Aylo and its affiliates are responsible for Hutchison's lost earnings and for the defamatory statements about her circling the industry.

81. She has already lost more than \$100,000.00 per month in revenue because of Defendants' tortious interference with the promotion of her videos and sites.

82. Aylo is responsible for Ms. Hutchison's severe emotional distress caused by being subjected to forced sex acts to finish the orgy video after a girl that she knew almost died in her arms, being interrogated, assaulted by, and lied to by Danny D. about the incident, and the statements by the executives regarding her emotional state after the death of her daughter.

FIRST CAUSE OF ACTION
BREACH OF CONTRACT
AGAINST AYLO

83. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs as if set forth fully herein.

84. Aylo and Hutchison entered into a valid and enforceable agreement to perform adult services for money.

85. Hutchison performed pursuant to the terms of the agreement.

86. Aylo breached the agreement by improperly terminating Hutchison to cover-up what happened with the lithium poisoning on the Barcelona set.

87. Because of Aylo's breach of the agreement, Hutchison has been damaged in an amount over \$1,000,000.00.

88. It has been necessary for Hutchison to retain the services of an attorney to prosecute this action and, therefore, Hutchison is entitled to reasonable attorney's fees and costs.

89. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs as if set forth fully herein.

90. A contract existed between Hutchison and Aylo.

91. Aylo deliberately contravened the intention and spirit of the contract by its actions towards Hutchison as it terminated the relationship based on lies in order to protect its Producer/Director/Male talent Danny D. and his partner.

92. Aylo's conduct caused damage to Hutchison through this conduct in an amount over \$1,000,000.00.

93. It has been necessary for Hutchison to retain the services of an attorney to prosecute this action and, therefore, Hutchison is entitled to reasonable attorney's fees and costs.

THIRD CAUSE OF ACTION
SEXUAL BATTERY
AGAINST DANNY D.

94. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs as if set forth fully herein.

95. Danny D. forced Hutchison to have sex with him and two other females after Zaawaadi's poisoning after Hutchison told him she did not want to do the scene, and he forced her to proceed with the scene, against her will.

96. Danny D. grabbed Hutchison and forced her into her room to interrogate her about the lithium.

97. These unconsented to touchings constitute battery by Danny D. against Hutchison.

98. Hutchison has suffered damages in the amount of over \$1,000,000.00 because of the batteries committed against her.

99. It has been necessary for Hutchison to retain the services of an attorney to prosecute this action and, therefore, Hutchison is entitled to reasonable attorney's fees and costs.

FOURTH CAUSE OF ACTION
BATTERY
AGAINST DANNY D.

100. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs as if set forth fully herein.

101. Danny D. grabbed Hutchison and forced her into her room to interrogate her about the lithium.

¹⁰². These unconsented to touching's constitute battery by Danny D. against Hutchison.

103. Hutchison has suffered damages in the amount of over \$1,000,000.00 because of the
batteries committed against her.

104. It has been necessary for Hutchison to retain the services of an attorney to prosecute this
action and, therefore, Hutchison is entitled to reasonable attorney's fees and costs.

FIFTH CAUSE OF ACTION
INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS
AGAINST ALL DEFENDANTS

105. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs as if
set forth fully herein.

106. Hutchison has contractual relationships with customers and representatives in the adult industry and other endeavors outside of the industry, i.e. Fleshlight deal and conventions, etc.

107. Aylo knew of these relationships as they are ubiquitous throughout the adult entertainment industry.

108. Aylo has actively disrupted these relationships and promoted other relationships which benefited your company to Hutchison's detriment.

109. Aylo's conduct was not legally justified.

110. As a direct and proximate result of your interference with Hutchison's contractual relationships, she has been damaged in an amount exceeding \$5,000,000.00.

111. It has been necessary for Hutchison to retain the services of an attorney to prosecute this
action and, therefore, Hutchison is entitled to reasonable attorney's fees and costs.

SIXTH CAUSE OF ACTION
INTENTIONAL INTERFERENCE WITH PROSPECTIVE BUSINESS ADVANTAGE
AGAINST ALL DEFENDANTS

112. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs as if
set forth fully herein.

113. A prospective contractual relationship between Hutchison and third-party companies both related and unrelated to the adult industry.

114. The Defendants had knowledge of these prospective relationships.

115. The Defendants intended to harm Hutchison by preventing these relationships.

116. There is no privilege or justification by the Defendants for this activity.

117. Hutchison has suffered actual harm as a result of the Defendants' conduct.

118. It has been necessary for Hutchison to retain the services of an attorney to prosecute this
action and, therefore, Hutchison is entitled to reasonable attorney's fees and costs.

SEVENTH CAUSE OF ACTION
INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS
AGAIST ALL DEFENDANTS

119. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs as if set forth fully herein.

111

120. Defendant Danny D. told Hutchison that they must complete the sex scene minutes after
Hutchison performed emergency medical help on Zaawaadi.

121. Hutchison pleaded with Danny D. to continue the scene to another time as she was traumatized by the events of the actress potentially dying.

122. Danny D. forced Hutchison to complete the scene.

123. This caused Hutchison severe emotional distress in having to complete the scene, and because of this she now has anxiety, panic attacks, sleepless nights, and sexual dysfunction.

124. This emotional distress was caused by the conduct of Danny D.

125. Plaintiff has suffered damages in an amount over \$5,000,000.00 cause by Danny D's tortious conduct.

126. It has been necessary for Hutchison to retain the services of an attorney to prosecute this action and, therefore, Hutchison is entitled to reasonable attorney's fees and costs.

EIGHTH CAUSE OF ACTION
DEFAMATION
AGAINST ALL DEFENDANTS

127. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs as if set forth fully herein.

128. Defendants and their representatives and executives have spread lies in the adult community about Hutchison regarding alcohol and drug abuse, the criminal act of poisoning an individual, and her reputation in the business.

129. The statements were published to third persons, and specifically, members of the adult entertainment industry.

130. The statements are false and defamatory.

131. Defendants intentionally published the statements and presented them as fact.

111

1 132. Defendants knew the statements published are false, published them with reckless
 2 disregard to whether the statements were false or not, and/or negligently made them.

3 133. The statements constitute the imputation that Hutchison has a lack of fitness for trade,
 4 business, or profession.

5 134. Defendants' malicious and false statements are such that they directly impute to
 6 Hutchison's dishonesty, lack of fair dealing, want of fidelity, integrity, and/or business
 7 ability, under any reasonable definition, even in general terms and without supporting
 8 details.

9 135. Defendants' malicious and false statements are so likely to cause serious injury to
 10 Hutchison's reputation and the business reputations of its officers and pecuniary loss to
 11 Hutchison that they are actionable without proof of damages.

12 136. Hutchison has suffered damages and harms which normally result from such defamation.

13 137. Defendants are liable for the damages caused by their defamatory statements concerning
 14 Hutchison.

15 138. As a direct and proximate result of Defendants' malicious and false statements, and each
 16 of them, Hutchison has suffered actual, consequential, and special damages in excess of
 17 one million dollars (\$1,000,000.00), the exact amount to be proven at the trial of this matter.

18 139. As a direct and proximate result of Defendants' defamatory acts, Hutchison has been
 19 harmed in amount in excess of one million dollars (\$1,000,000.00).

20 140. As a direct, natural, and foreseeable consequence of Defendants' actions as alleged herein,
 21 Hutchison has been required to retain the services of attorneys to prosecute this action,
 22 have been damaged thereby, and are entitled to recover reasonable attorney's fees and costs
 23 incurred as a result of this action.

24 ///

141. Furthermore, Defendants are guilty of oppression, fraud, and malice, express or implied; therefore, Plaintiff is entitled to recover damages for the sake of example and by way of punishing Defendants in an amount in excess of one million dollars (\$1,000,000.00), the exact amount to be proven at the trial of this matter.

NINTH CAUSE OF ACTION
CONSPIRACY
AGAINST ALL DEFENDANTS

142. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs as if set forth fully herein.

143. Defendants, in a combination of two or more persons, conspired to commit unlawful acts against Hutchison.

144. Defendants decided upon an object to be accomplished to harm Hutchison namely Defendants object to be accomplished was to make Hutchison the scapegoat for the bad acts of Danny D.

145. Defendants, in a combination of two or more persons, reached a meeting of the minds as to the object to be accomplished identified above.

146. Defendants committed one or more unlawful, overt acts, including to the detriment and
harm of Hutchison.

147. As a direct and proximate result of Defendants' unlawful conspiracy, Hutchison has been
harmed in amount in excess of one million dollars (\$1,000,000.00).

148. It has been necessary for Hutchison to retain the services of an attorney to prosecute this action and, therefore, Hutchison is entitled to reasonable attorney's fees and costs

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REQUEST FOR RELIEF

THEREFORE, Plaintiff Melissa Hutchison aka Phoenix Marie, seeks judgment against Defendants as follows:

- a. For general and special damages of over \$10,000,000.00 according to proof;
 - b. For punitive damages, respectively, in amounts sufficient to punish Defendants for the tortious conduct in an amount over \$20,000,000.00.
 - c. For an award of pre-judgment interest, as well as reasonable attorneys' fees as both normal and special damages, and other costs; and for such other and further relief that this Court deems just and proper.

Dated this 15th day of February 2024.

KERR SIMPSON ATTORNEYS AT LAW

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